

**UNITED STATES DISTRICT COURT**

**WESTERN DISTRICT OF LOUISIANA**

**FRED ANTHONY HARRIS, ET AL.** \* **CIVIL ACTION NO. 09-0388**

**VS.** \* **JUDGE MELANCON**

**MOTORISTS MUTUAL INSURANCE COMPANY, ET AL.** \* **MAGISTRATE JUDGE HILL**

**ORDER REGARDING JURISDICTIONAL AMOUNT**

The undersigned has reviewed the plaintiffs' Response in Support of Jurisdictional Amount filed in response to the undersigned's Order requiring the plaintiffs to file a memorandum setting forth specific facts in controversy which support a finding that the jurisdictional amount exists. Based on this review, the undersigned concludes that it appears that jurisdictional amount exists. The plaintiffs have demonstrated that as a result of the accident at issue herein, plaintiff, Fred Anthony Harris claims to have suffered two bulging discs in his lumbar spine with bilateral canal narrowing, for which he continues to treat, and for which has incurred \$10,043.30 in medical expenses and lost past wages in excess of \$35,000.00. Accordingly, it is likely that any award for plaintiff's past and future medical expenses and past and future wage loss, as well as any award for general damages, will satisfy this court's jurisdictional minimum.

Additionally, in accordance with the United States Supreme Court's decision in *Exxon Mobil Corp. v. Allapattah Services, Inc.*, -- U.S. --, 125 S.Ct. 2611 (2005) this court may exercise supplemental jurisdiction over the derivative and related claims of Mr.

Harris' wife, Delisa Thornton Harris, under 28 U.S.C. §1367(a).

Signed this 2<sup>nd</sup> day of September, 2009, at Lafayette, Louisiana.

  
C. Michael Hill  
C. MICHAEL HILL  
UNITED STATES MAGISTRATE JUDGE